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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,143	01/14/2002	Gang Huang	HUANG 14-13-7	6844

7590 07/21/2008

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EXAMINER	
STRANGE, AARON N	

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
07/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/043,143	HUANG ET AL.	
	Examiner	Art Unit	
	AARON STRANGE	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,8,15,16,23 and 24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,8,15,16,23 and 24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

10043143DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/9/08 have been fully considered but they are not persuasive.

2. With regard to claims 7, 8, 15, 16, 23 and 24, and Applicant's assertion that the combination of Sweitzer and Fauser fail to disclose "a network lock that prevents other nodes on a network other than a first node and a second node from affecting a calibration result experienced by the second node" (Remarks 5-6), the Examiner respectfully disagrees.

Sweitzer discloses a self calibrating network that sends a test signal from a first node to a second node and is used to adjust the transceiver of the second node (col. 3, ll. 17-40). Feuser discloses issuing network pause (lock) commands that cause particular nodes to stop communicating on the network. While Feuser discloses a particular use of these network lock commands, one of ordinary skill in the art would have recognized that these commands could be used to stop nodes from communicating for other reasons and would have been aware of other times when preventing one or more nodes from communicating on a network would have been beneficial.

For example, one of ordinary skill in the art would have known that extraneous transmissions during Sweitzer's calibration procedure would affect the calibration results, and would have been motivated to seek out a solution to prevent other nodes

from communicating during the test. Using pause commands, as taught by Feuser would have advantageously allowed a user of Sweitzer's calibration system to stop other nodes from transmitting during the calibration procedure, eliminating any undesired effect unwanted transmissions would have on the calibration results.

3. Applicant's arguments regarding the rejection of claims 7, 8, 15, 16, 23 and 24 over Shober, Ang and Feuser are not persuasive for substantially the same reasons as those discussed above. Nonetheless, the rejection based on Shober, Ang and Feuser has been withdrawn because the Examiner believes the rejection to be unnecessarily cumulative.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 7-8, 15-16, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweitzer et al. (U.S. Patent Number 6,570,915; hereinafter Sweitzer) and Feuser et al. (On the Effects of IEEE 802.3x Flow Control in Full-Duplex Ethernet LANs, 1999; hereinafter Feuser).

6. Regarding claims 7-8, 15-16, and 23-24, Sweitzer disclosed a self calibrating network comprising: a first node (e.g. DTU-C or DTU-R) to transmit a test signal (probe signal); and a second node (e.g. DTU-C or DTU-R) to receive said test signal and to adjust a second node transceiver to optimize the transfer of data between said first node to said second node, said adjustment of said second node transceiver being based on at least one of available criteria comprising a noise measurement value ("signal-to-noise ratio"), a propagation delay value, and a bit rate error value ("bit-error-rate") (Col 3, lines 17-40).

Sweitzer failed to specifically recite issuing a network lock command from the first node, ceasing nodes other than said first node or said second node from communicating on the network, so as to prevent the other nodes from affecting the calibration result.

In a similar networking system, Feuser discloses issuing network lock commands (e.g. XON and XOFF pause commands) to certain nodes on the network (see inter alia Feuser pg 1 section 1) to prevent them from communicating on the network. One of ordinary skill in the art would have recognized that these commands could be used to stop nodes from communicating for other reasons, and would have had a reasonable expectation of success in using them. Using pause commands, as taught by Feuser would have advantageously allowed a user of Sweitzer's calibration system to stop other nodes from transmitting during the calibration procedure, preventing other nodes on the network other than the fist and second nodes from affecting a calibration result experienced by the second node.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to incorporate Feuser's network lock command functionality in the nodes of Sweitzer's network in order to prevent other nodes from communicating during the calibration process, potentially interfering with the test results.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/

Supervisory Patent Examiner, Art Unit 2153

/A. S./
Examiner, Art Unit 2153